



CLEAN AIR. HEALTHY COMMUNITIES.

July 23, 2018

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Hon. Onis "Trey" Glenn  
Regional Administrator  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Mail Code: 9T25  
Atlanta, GA 30303-8960

**RE: Your recusal from matters involving the 35<sup>th</sup> Avenue Superfund Site, Balch & Bingham, ABC Coke/Drummond Company**

Dear Mr. Glenn:

I am writing you today on behalf of Gasp, a 501(c)(3) nonprofit organization located in Birmingham, Alabama. Our mission is to reduce air pollution through education and advocacy. We have been working in the northern Birmingham area for eight years or so, and have developed a deep and trusting relationships with residents, community members and community leaders there. As you know, there are numerous indictments and allegations regarding some of the tactics employed by Balch & Bingham ("Balch") and its client, Drummond Company, to affect and, arguably, thwart, the Environmental Protection Agency's cleanup efforts in communities impacted by more than a century of heavy industrial activity.

On January 10, 2018, you offered your recusal from matters involving your past employers and clients — including Balch & Bingham and Drummond Company — for a period of two years ending August 27, 2019. As you know, Balch & Bingham and Drummond/ABC Coke are at the center of the aforementioned public corruption investigation related to EPA cleanup activities in and around the North Birmingham Superfund Site ("35<sup>th</sup> Avenue Site"). As a consultant, you testified that you helped Drummond Company and Balch & Bingham oppose the EPA's proposal to list the 35<sup>th</sup> Avenue Site on the National Priorities List and to fight the EPA's investigation into potential contamination in Tarrant. In other words, you were hired to do the bidding of the polluters, and not the people. And you did so without hesitation.

Today, I, along with the undersigned, write to respectfully request your indefinite recusal from any and all matters relating to Balch & Bingham, Drummond Company, ABC Coke, and any other party involved with whom you have done any business relating to the 35<sup>th</sup> Avenue and Pinson Valley Neighborhood sites (e.g., Matrix, LLC, STRADA Professional Services).



In both of these EPA investigations into pollution and contamination, Gasp played a significant role. We asked the EPA to propose adding the 35<sup>th</sup> Avenue Site to the NPL and filed extensive comments supporting the proposal in January 2015. Gasp also formally petitioned the EPA to expand its investigation into potential contamination in nearby Tarrant, which later became known as the Pinson Valley Neighborhood Site.

I want to reiterate that our request for recusal in perpetuity is due to your own disclosure of your deep ties to these two powerful companies. As the EPA's mission is to protect human health and the environment, we believe that you have a clear conflict of interest. Real people, many of whom are members of our organization, have been and are being harmed by the toxic pollution spewing from Drummond Company's ABC Coke facility and others in the area. These same people did not receive relief that the NPL would bring because of the actions of these very parties (Balch and Drummond) with which you are deeply involved.

This is to say nothing of the of legacy decades of contamination due to the practice of redlining poor people of color to live within toxic zones near major polluters. We can save that conversation for another day. The people of northern Birmingham deserve relief, not further resistance from those who are supposed to protect them.

Therefore, I urge you to recuse yourself in perpetuity from all matters involving the 35<sup>th</sup> Avenue Site, Drummond Company, ABC Coke, Balch & Bingham, and related parties as described above. I look forward to your permanent recusal.

Signed,

Michael Hansen  
Executive Director, Gasp

Cindy Lowry  
Alabama Rivers Alliance

Charles Scribner  
Black Warrior Riverkeeper

Myra Crawford  
Cahaba Riverkeeper

Michael Mullen  
Choctawhatchee Riverkeeper

David Ludder  
Environmental Defense Alliance

cc: Andrew Wheeler, Acting Administrator, U.S. Environmental Protection Agency